IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.232 OF 2004

1. M/s Avishkar Enterprises
& Anr. ...Appellants.

V/s

Anuradha Ahuja Co-opeative
Housing Society Limited & Anr. ...Respondents.

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Mr. Y.S. Jahagirdar, Sr. Counsel with Mr. Anil Singh
i/b Mr. D.R. Shah, advocate for the appellants.

Mr. Bharat Chaudhari, advocate for respondent No.1.

CORAM: V.M.KANADE,J.
DATE: 8th December, 2004.

**ORDER ON THE PRAECIPE DATED 27/10/2004 FOR SPEAKING TO THE MINUTES OF THE ORDER DATED 12/3/2004:**

1. Heard the learned Counsel appearing on behalf the respondent No.1 and the learned Counsel appearing on behalf of the appellants

2. By Order dated 12/3/2004, Appeal from Order was disposed of in terms of the Order. A direction was given in the said order that the plaintiffs would be entitled to use 10 parking spaces which were earmarked by the appellants, pending the hearing and final disposal of the suit. It was, however, clarified that the appellants would be entitled to recover monthly maintenance charges.

3. The grievance of the respondent No.1 is that under the guise of imposing maintenance charges, appellants

have imposed excessive and exorbitant charges to the tune of Rs 4500/- in respect of the each parking space. Respondent No.1 is seeking clarification of the Order.

4. The said order was passed after both the parties had agreed to arrive at a via-media during the pendency of the suit and the working arrangement was made to ensure that the respondents are allowed to use 30 parking spaces; 10 in the basement and 20 in the compound. In my view, the monthly maintenance charges as imposed by the appellants is exorbitant. It is clarified that the monthly maintenance charges as stated in the order are quantified at Rs 200/- per month. It is clarified that this order is passed during the pendency of the suit and the parties shall be bound by the final orders which will be passed in the suit. Needless to state that the appellants shall not prevent the respondent No.1 from using the parking spaces in the basement as soon as the payment is made.

5. Hearing of the suit is expedited. Suit to be decided within one year from today.

6. All concerned to act on the copy of this order duly authenticated by the registry.

V.M. KANADE, J.